THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.5585 OF 2005

DATED: 25-7-2007

Between:

S. Sankar Reddy

.. Petitioner

and

The Superintending Engineer, (Operation), A.P.C.P.D.C.L., Kurnool and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.5585 OF 2005

ORDER:

It appears, after inspecting the premises of the industry run by the petitioner, the Assistant Divisional Engineer, Electrical/Operation, Banaganapalle, Kurnool District, issued an assessment notice to the petitioner directing him to pay an amount of Rs.10,26,045/- towards the value of energy pilfered by him, along with Rs.150/- of supervision charges. Challenging the said notice, the petitioner preferred an appeal before the Chief General Manager (Operation), A.P.C.P.D.C.L., Hyderabad, who reduced the amount payable to Rs.1,23,435/- (Rs.1,23,285/- + Rs.150/-). In pursuance of the said order, the petitioner has paid the said amount in three installments and, consequently, power supply to his premises was restored. While so, the petitioner alleges that, surprisingly, the 2nd respondent has issued another demand notice directing him to pay Rs.1,94,669/- towards C.C. and L.P. charges for the period from September 2002 to January 2005. But, according to the petitioner, there was no power supply to his premises during the said period i.e. from September 2002 to January 2005, since power supply to his premises was disconnected on 11.09.2001 and restored in the first week of February 2005. Hence, he is not liable to pay the said amount.

While admitting the writ petition on 18.03.2005, this Court, vide

interim order in W.P.M.P.No.7398 of 2005, directed the respondents to restore power supply to the petitioner's unit on condition of the petitioner depositing half of the amount towards C.C. Bill charges, within six weeks from the date of receipt of a copy of the order.

Learned counsel for the petitioner asserted that, in pursuance of the said interim order, the petitioner has deposited the required amount.

In view of the above and also in view of the fact that a Special Court has been constituted under Section 153 of the Indian Electricity Act, 2003, to deal with matters of this nature, without expressing any opinion on merits, the respondents are directed to refer the matter to the Special Court for adjudication. Till the matter is finalized by the Special Court, status quo as on today shall be maintained as to the power supply to the premises of the petitioner.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

25th July, 2007.
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